

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

**DELLA SHERWOOD, Individually and
as Guardian and Next Friend of
NANETTE ROMERO and
CHRISTIAN SHERWOOD,**

Plaintiff,

vs.

No. CV 09-722 JC/WDS

**THE BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY; GREG SOLANO;
BOB ORTIZ; GREG PARRISH; LAURA KAY, M.D.;
TERRI GREER, PH.D.; NANCY FUDGE, RN; and
MICHAEL SANDS,**

**JOINT MOTION FOR MAGISTRATE JUDGE'S
FINDINGS AND RECOMMENDED DISPOSITIONS
REGARDING SETTLEMENT AND DISMISSAL**

COME NOW the parties hereto, by and through their respective counsel, below listed, and jointly move United States Magistrate Judge W. Daniel Schneider, pursuant to the Order of Reference entered on June 3, 2010 [Doc. No. 51] for the entry of findings and recommendations regarding the proposed approval of the settlement of the claims of Nanette Romero, a person with a disability, and C.S., a minor. As grounds for this motion, the parties would show that:

1. Plaintiff Della Sherwood ("Plaintiff") is the mother and next friend, as well as the court-appointed guardian and conservator, for Nanette Romero, a person under disability. In addition, Plaintiff is the adoptive mother of C.S., a minor. C.S. is currently six years old. His date of birth is January 24, 2004.

2. On or about July 20, 2007, Nanette Sherwood suffered serious and permanent injuries resulting from her attempted suicide at the Santa Fe County Adult Detention Facility. Plaintiff acting individually, on behalf of her daughter, Nanette Romero, and her adopted son, C.S., (who is the natural child of Nanette Romero), has brought claims against Defendants named herein under the Federal Civil Rights Act, 42 U.S.C. §1983 as well as the New Mexico Tort Claims Act. Defendants deny any wrongdoing. A tentative settlement has been achieved between Plaintiff and Defendant Board of County Commissioners of Santa Fe County (“Santa Fe County”) which would resolve all claims in this case.

3. Because Nanette Romero is a person under disability and C.S. is a minor, the parties respectfully request that, in compliance with the Order of Reference, the Court hold a hearing, receive evidence, review the terms of the proposed settlement agreement between Plaintiff and Santa Fe County, find that the settlement is fair, reasonable, and in the best interests of Nanette Romero and C.S., and recommend to Senior United States District Judge John E. Conway that he enter an order approving the settlement agreement and dismissing Plaintiff’s claims with prejudice.

4. The Court has previously entered an Order [Doc. No. 50] appointing Shannon Bulman to serve as guardian ad litem in connection with the Court’s review of the proposed resolution of this case insofar as it involves Nanette Romero. The same Order also appointed Kathleen Oakey to serve as guardian ad litem on behalf of C.S. in connection with the Court’s review of the proposed resolution of this case. The two guardians are presently in

the process of completing their investigations into the terms and conditions of the settlement and will be submitting reports to the Court prior to hearing.

WHEREFORE, the parties respectfully request that, after hearing, the Court make findings, recommend the approval of the terms of this settlement insofar as they involve the claims asserted on behalf of Nanette Romero and C.S., and, further, recommend to the Honorable John E. Conway that he enter an order approving the proposed settlement and dismissing all claims herein with prejudice.

Respectfully submitted:

ROTHSTEIN, DONATELLI, HUGHES,
DAHLSTROM, SCHOENBURG & BIENVENU, LLP

By: Electronically signed 06/07/10
Robert R. Rothstein
Mark H. Donatelli
John C. Bienvenu
1215 Paseo de Peralta
P.O. Box 8180
Santa Fe, New Mexico 87504-8180
(505) 988 - 8004

*Attorneys for Plaintiff Della Romero, Individually
and as Guardian and Next Friend of Nanette
Romero and Christian Sherwood*

THE BAKER FIRM

By: Electronically Approved
Jeffrey L. Baker
Rennie Zifferblatt
20 First Plaza Center, N.W. #402
Albuquerque, NM 87102
(505) 247-1855

Attorneys for Board of Commissioners of Santa Fe County

WALZ & ASSOCIATES

By: Electronically Approved
Jerry A. Walz
Alfred Creecy
Kathy Kunkel
Walz & Associates,
12009 State Highway 14
Cedar Crest, NM 87008-9405
(505) 281-3414

Attorneys for Defendant Laura Kay, M.D.

GERMAN & ASSOCIATES, LLC

By: Electronically Approved
Elizabeth L. German
12836 Lomas Blvd. N.E. Suite G
Albuquerque, NM 87112
(505) 292-9676

Attorneys for Defendant Nancy Fudge

NAVAEZ LAW FIRM, P.A.

By: Electronically Approved
Martin R. Esquivel
Henry Narvaez
H. Nicole Werkmeister
P.O. Box 25967
Albuquerque, NM 87125-0967
(505) 248-0500

Attorneys for Defendant Terri Greer, Ph.D

S:\MARK\6809\Pleadings\US District Court\Joint Motion for Approval.wpd